THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

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WRIT PETITION No. 2800 of 2006

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Dated: 18.03.2006

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Between:

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P.Nageswara Rao S/o late P.Suryanarayana Naidu,

Work Inspector, Gr.II, MIG-51, APHB Colony,

Near Santhoshimatha Temple, Srikakulam,

Srikakulam District.

… **PETITIONERS**

And:

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Government of Andhra Pradesh,

Represented bvy its Principal Secretary,

Housing Department, Secretariat,

Hyderabad and others.

…**RESPONDENTS**

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

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WRIT PETITION No. 2800 of 2006

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ORDER:

Petitioners, who worked in the work charge establishment of the Andhra Pradesh State Housing Board, filed this writ petition seeking a Writ of Mandamus directing the respondents to pay the service benefits, such as encashment of leave salary, stagnation increments and to extend the benefit of the revised scales of pay, etc.

The petitioners were retrenched from service by the respondents by paying the retrenchment compensation as provided under Section 25-F of the Industrial Disputes Act, 1947 (for short "the Act"). Challenging their retrenchment, the petitioners filed a writ petition, being W.P.No.8219 of 2005. However, they made further representation for payment of additional amounts on account of service rendered by them. Basing on the said representation, Settlements were entered into by the A.P. Housing Board with the petitioners individually, and a memorandum of Settlement was executed in terms of Section 18(1) of the Act. After receiving the amount as per the said Settlements, the petitioners withdrew the writ petition, and it was accordingly dismissed as withdrawn on 24.11.2005. Thereafter, the petitioners filed this writ petition seeking a direction to the respondents to pay service benefits, such as encashment of leave salary, stagnation increments and to extend the benefit of the revised scales of pay, etc., as per various Government Orders stating that they have to be treated as Government servants.

Learned Standing Counsel, Sri.A.K.Jayapraksh Rao, has produced the copies of Settlements entered into by the respondent-Housing Board with the petitioners. A perusal of the said Settlements reveals that the Settlements were entered into to put quietus to the litigation with the workmen, and as per the said Settlements, the respondent-Housing Board has agreed to pay the lumpsum compensation to the petitioners in full and final settlement of their claims. Having regard to the length of service, the petitioners were paid compensation ranging from Rs.3,49,580/- to Rs.8,95,700/-.

However, it is submitted by the learned counsel for the petitioners that under duress, the petitioners have entered into such agreements and they are entitled for the benefits, which they are claiming, inasmuch as they have to be treated as Government Servants in view of certain Government Orders.

It is not in dispute that as on the date of retrenchment, no orders were passed to treat the petitioners as Government Servants. They worked in the work charge establishment and their services were retrenched by following the procedure contemplated under Section 25 of the Act. In any event, having entered into settlements, which were arrived at basing on their own representations and having received the compensation, it is not open for the petitioners now to file this writ petition claiming encashment of leave salary, increments, etc. The petitioners also withdrew the earlier writ petition filed by them after receiving the amount as per the settlements. In that view of the matter, the plea of the petitioners that under duress, they have received the compensation cannot be accepted. When the settlement is arrived at to put quietus to the litigation, and when the petitioners have received the compensation, they cannot go back and seek further benefits on the ground that by virtue of some Government Orders, they have to be treated as Government Servants for payment of the amounts as prayed for.

Therefore, the writ petition is devoid of merits, and is accordingly dismissed at the stage of admission. There shall be no order as to costs.

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18.03.2006

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